

The Honorable J. Kelly Arnold

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA

RICKEY PERALEZ, on behalf of himself and
others similarly situated,

Plaintiff,

v.

THE WASHINGTON DEPARTMENT OF
CORRECTIONS, HAROLD CLARKE,
DOUGLAS WADDINGTON, BELINDA
STEWART, KEVIN SHANAHAN, JEAN
STEWART, and JOHN DOES 1-20,
employees and officials of the Washington
Department of Corrections and/or Stafford
Creek Corrections Center,

Defendants.

NO. C06-5625 JKA

DECLARATION OF EDWIN S. BUDGE

FILED IN CONNECTION WITH:

- Plaintiff's Motion for Partial Summary Judgment; and
- Plaintiff's Motion to Determine Sufficiency of Defendants' Responses to Plaintiff's Requests for Admission

I, Edwin S. Budge, declare and state as follows:

1. I am one of the attorneys representing the certified class in the above-captioned case. I have personal knowledge of the matters contained in this declaration and am competent to testify to them. This declaration is submitted in connection with Plaintiff's Motion for Partial Summary

1 Judgment and Plaintiff's Motion to Determine Sufficiency of Defendants' Responses to Requests for
2 Admission.

3 2. This case was certified as a class action on August 10, 2007. In the months before and
4 after the class was certified, our office conducted discovery in order to learn more about the work
5 release referral methods of the Department of Corrections ("DOC") as well as finding out how the
6 DOC classifies and treats offenders with physical, sensory and/or mental health needs. Among other
7 things, we issued requests for production of documents, interrogatories, and requests for admission. I
8 deposed current and former heads of DOC work release facilities, as well as the DOC's Chief of
9 Classification, Jean Stewart. The DOC produced work release denial forms and legal face sheets for
10 thousands of former inmates (after an order compelling production) as well as policies and directives
11 and other materials.

12 3. Attached hereto as Exhibit 1 are true and correct copies of excerpts from the
13 Deposition of Xandis Phillips cited in the accompanying Motion for Partial Summary Judgment.

14 4. Attached hereto as Exhibit 2 are true and correct copies of excerpts from the
15 Deposition of Sandra Musselwhite cited in the accompanying Motion for Partial Summary Judgment.

16 5. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff's October 16, 2007
17 Requests for Admission to Defendants and Responses Thereto.

18 6. Attached hereto as Exhibit 4 are true and correct copies of excerpts from the
19 Deposition of Jean Stewart, the DOC's Chief of Classification, cited in the accompanying Motion for
20 Partial Summary Judgment.

21 7. Attached hereto as Exhibit 5 is a true and correct copy of the DOC's response to
22 Interrogatory No. 11 of Plaintiff's October 16, 2007 Interrogatories.

1 8. Attached hereto as Exhibit 6 are true and correct copies of excerpts from the
2 Deposition of Kristine Skipworth cited in the accompanying Motion for Partial Summary Judgment.

3 9. In order to understand the DOC's practices, our office sought copies of all work
4 release denial forms from October 30, 2003. After a motion to compel was granted, the DOC
5 produced the forms. The DOC produced well over 2000 work release denial forms for the period of
6 October, 2003 to August, 2007. In addition, the DOC was required to produce documents called
7 "legal face sheets," which are computer printouts showing the offender's PULHESDXT scores and
8 history with the DOC. The legal face sheets summarize any rulings on work release transfer requests.
9 Our office reviewed and categorized these materials. The accompanying Motion for Partial
10 Summary Judgment (at Section III.C.2.a.) identifies fifteen examples of work release denial forms
11 where offenders were rejected because of their PULHESDXT scores. True and correct copies of
12 these fifteen work release denial forms are attached hereto as Exhibits 7-21. The offenders are
13 referred to by their initials in the accompanying Motion for Partial Summary Judgment, and their
14 names and DOC numbers have been redacted for purposes of this filing. As discussed in the
15 accompanying Motion for Partial Summary Judgment, the foregoing are intended to be examples
16 only. Our review of the work release denial forms revealed numerous other occasions where the
17 forms indicated that work release was denied because of the offender's PULHESDXT score.

18 10. True and correct copies of legal face sheets for each of the fifteen offenders mentioned
19 above are attached hereto as Exhibits 22-36. As with the work release denial forms, the names and
20 DOC numbers have been redacted for purposes of this filing.

21 11. In the course of reviewing work release denial forms, we noticed that work release
22 denial forms sometimes referenced a code called "DT-25" when denying offenders based on their
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1 PULHESDXT scores (*see, e.g.*, Exs. 18 and 19 attached hereto). This code did not appear to be part
2 of any publicly-available DOC policy directive.

3 I declare under penalty of perjury, under the laws of the United States that the foregoing is
4 true and correct.

5
6 DATED this 29 day of November 2007 at Seattle, Washington.

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9 Edwin S. Budge
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DECLARATION OF EDWIN S. BUDGE

EXHIBIT 1

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA

RICKEY PERALEZ, on behalf of)	
himself and others similarly)	
situated,)	
)	
Plaintiff,)	
)	
vs.)	No. C06-5625 JKA
)	
THE WASHINGTON DEPARTMENT OF)	
CORRECTIONS, HAROLD CLARKE,)	
DOUGLAS WADDINGTON, BELINDA)	
STEWART, KEVIN SHANAHAN, JEAN)	
STEWART, and JANE DOES 1-20,)	
employees and officials of the)	
Washington Department of)	
Corrections and/or Stafford Creek)	
Corrections Center,)	
)	
Defendants.)	

Deposition Upon Oral Examination

of

XANDIS PHILLIPS

Taken at 800 Fifth Street
Seattle, Washington

DATE: November 8, 2007

REPORTED BY: Patricia A. Blevins, CCR
CCR NO. 2484

STARKOVICH REPORTING SERVICES
(206) 323-0919

STARKOVICH REPORTING SERVICES
206.323.0919

1 SEATTLE, WASHINGTON; THURSDAY, NOVEMBER 8, 2007

2 10:05 A.M.

3 --o0o--

4
5 XANDIS PHILLIPS, deponent herein, having been
6 first duly sworn on oath, was
7 examined and testified as
8 follows:
9

10 E X A M I N A T I O N

11 BY MR. BUDGE:

12 Q. State your name, please.

13 A. Xandis Phillips.

14 Q. What is your title, Ms. Phillips?

15 A. Muni corrections supervisor.

16 Q. Where do you work?

17 A. Reynolds Work Release.

18 Q. What is your business address, please?

19 A. 410 Fourth Avenue, Seattle 98104.

20 Q. And you physically work at Reynolds Work Release
21 down at -- near the courthouse?

22 A. I do.

23 Q. And you understand that you have an obligation to
24 answer the questions today truthfully and completely?

25 A. I do.

1 Q. And if you don't understand a question that I ask,
2 ask me to clarify, and I will. Okay?

3 A. We'll do.

4 Q. Could you give me an overview of your employment
5 history with the department of corrections?

6 A. I started working for the department in 1975 -- I
7 wish I could remember where -- at Everett Work Release. I
8 worked there till the late '70s, went work for Burien DOC as
9 a probation parole officer, stayed there -- I'm going to
10 estimate, because I can't remember exactly --

11 Q. Sure.

12 A. -- probably a year to two years, went to Bishop --
13 or went to Bellevue -- excuse me -- my mistake -- Bellevue
14 DOC field office, stayed there for a year, and then went to
15 Bishop Lewis Work Release, worked there ten years as a CCO.

16 If I'm going too fast, let me know. I'm trying to
17 remember where I went from there.

18 I went to Reynolds Work Release as a CCO for
19 approximately six months, and then I became a hearings
20 officer, did that for about four and a half years. Then I
21 was promoted to supervisor of Bishop Lewis Work Release
22 special needs unit, and I only did that for about
23 approximately six months, and they rotated me to Reynolds
24 Work Release. And then I had Reynolds Work Release and
25 special needs unit for approximately three years, and then I

Page 7

1 just had Reynolds Work Release for the last, probably, seven
2 years.

3 Q. Okay. Has your position in the last seven years
4 at Reynolds Work Release changed in any significant way, or
5 is it basically the same?

6 A. Basically the same.

7 Q. So for the last seven years, you've been a
8 community corrections officer at Reynolds?

9 A. Community corrections supervisor.

10 Q. Supervisor. Okay.

11 A. And actually, I've been there for 11 years. I
12 had -- when I said that I was at Reynolds Work Release with
13 the special needs unit, I supervised two units at that
14 point, but I was still supervising Reynolds. Does that make
15 sense?

16 Q. As much sense as I need to have it make. In other
17 words, you've been at Reynolds for the past 11 years in a
18 row.

19 We have to go one at a time so she can write it
20 down.

21 So you've been at Reynolds for the last 11 years
22 in a row?

23 A. Yes.

24 Q. And for the last seven of those 11 years, your
25 title has been what?

1 A. Community corrections supervisor.

2 Q. Okay. Could you please explain to me what,
3 generally speaking, your duties and responsibilities are as
4 a community corrections supervisor at Reynolds?

5 A. I supervise the CCOs, which I have, at this point,
6 four, the support staff, which I have two, plant manager,
7 ensure that they are dealing with the residents of work
8 release appropriately, doing case management with them,
9 getting plans out for release, just oversight of the
10 building and the facility.

11 Q. In terms of the hierarchy at Reynolds Work
12 Release, are you at the top of the hierarchy?

13 A. Yes.

14 Q. How many offenders, roughly, are there at
15 Reynolds?

16 A. 100. Capacity of 100. Right now we have 50,
17 because we're doing renovations.

18 Q. Okay. But generally speaking, there's somewhere
19 around 100?

20 A. Yes.

21 Q. And how many total staff, approximately?

22 A. My staff, I have seven.

23 Q. Over the last seven years, what duties and
24 responsibilities have you had when it comes to reviewing and
25 ruling on work release transfer requests? Do you know what

1 I mean by that?

2 A. No.

3 Q. Have you had a say in deciding whether work
4 release transfer requests, that is, whether offenders'
5 requests to come to Reynolds, will be granted or denied?

6 A. Yes.

7 Q. Tell me what your job has been in that regard.

8 A. I -- okay. There's three work release supervisors
9 in King County. We have a big screening list. I assign
10 them out for screening to all of us equally, and then
11 whatever cases I've been assigned I will review and screen.

12 Q. Okay. We'll go back to that in a little while.

13 What happens at Reynolds Work Release if -- well,
14 first of all, the people who live at Reynolds Work
15 Release -- what do you call them?

16 A. Residents.

17 Q. Okay. What happens if a resident at Reynolds
18 needs to see the doctor?

19 A. I'm sorry. One more time.

20 Q. What happens if a work release resident needs to
21 see a doctor?

22 A. They request it through their community
23 corrections officer, and they're granted a pass to go to the
24 doctor, hospital, whatever they need to do.

25 Q. And are there any set rules about who pays for it?

1 A. Yes. Policy dictates they are required to pay for
2 their own medical.

3 Q. And what do they have to do in order to prove that
4 they need to see a doctor, if anything?

5 A. We have them call the on-call nurse at Harborview,
6 because we have a contract with Harborview, and they tell
7 her the symptoms. She makes the decision whether or not
8 they need to be seen medically or if it can wait till the
9 next day.

10 Q. Well, regardless of whether the nurse says they
11 need to go immediately or whether they need to be seen the
12 next day, does Reynolds have any problem, generally
13 speaking, with granting passes to those --

14 A. Never.

15 THE COURT REPORTER: One at a time, please.

16 Q. Let me just ask the question again, and we'll get
17 it clarified, and then we'll go on, and I'll try to do
18 better about --

19 A. And I will try to do better about not answering
20 before the question is finished.

21 Q. So generally speaking, does Reynolds have a
22 problem with giving residents passes to go see the doctor?

23 A. No.

24 Q. Are there some residents at Reynolds who have a
25 need for regular medical appointments?

1 A. Yes.

2 Q. And what happens when a resident has a need for a
3 regular medical appointment?

4 A. We put it on what's called an offender's schedule
5 plan, and then it's recurring. So we'll just put on there
6 what day of the week and what time they go every week, and
7 they're just allowed to go out and do that.

8 Q. And are there some residents who go as frequently
9 as every week?

10 A. I can't tell you that for sure. I don't supervise
11 the residents.

12 Q. Okay. But there are those residents who have a
13 need for regular medical appointments?

14 A. There are.

15 Q. And Reynolds Work Release has a process set up by
16 which those people can go to their regular medical
17 appointments?

18 A. Yes.

19 Q. How do the residents get up to the doctor?

20 A. They either walk, CCOs will take them, or we call
21 911. Depends on the circumstance.

22 Q. Can they take the bus?

23 A. Yes.

24 Q. And when you say CCOs will take them, a CCO,
25 again, is --

1 A. Community corrections officer.

2 Q. Okay. So they're set up to actually transport
3 residents to doctors' appointments when necessary?

4 A. Correct.

5 Q. All right. Do doctors or nurses ever come to
6 visit the work release facility?

7 A. They have.

8 Q. What kinds of medical issues come up with
9 residents at work release?

10 A. I'm worried about answering that, because it's
11 confidential information.

12 Q. Sure. I understand. Without naming any
13 particular resident, I'm just looking for sort of a broad
14 description of the kinds of issues that might come up.

15 MR. JOBSON: Yeah. You may answer in general
16 terms without identifying an inmate or giving enough
17 information that would allow someone to identify a
18 particular inmate.

19 A. STDs, TB tests, HIV protocols, general hurt
20 themselves at work, might have to go get checked out for
21 L & I, general, you know -- what do I want to say? --
22 physical, things like that. I'm having a brain lock on what
23 to say.

24 Q. That's okay. It's a funny question. Has there,
25 over the course of the last seven years, been a broad range

1 of medical issues that come up?

2 A. Yes.

3 Q. And Reynolds tries to do what it can to allow
4 those inmates who have medical needs to get medical
5 treatment?

6 A. Yes.

7 Q. Are there some residents who are on prescription
8 medications?

9 A. Yes.

10 Q. What is the process at Reynolds to deal with those
11 residents who have a need for prescription meds?

12 A. The protocol is they must bring them into the
13 facility after they've been prescribed by a doctor and
14 filled by a pharmacy. They're turned over to the front desk
15 staff for logging in on what it is, when they're due to take
16 it. If it is a narcotic, Class A, it is dispensed or held
17 by the contract staff, and then they allow the guys to take
18 it. The guys have to come down to get the pills to take it.
19 If it is a regular heart medication, allergy medication,
20 something of that sort that's in our DOC formula, the guys
21 keep them in their room and give them to themselves.

22 Q. So they can self-administer it?

23 A. Yes.

24 Q. And has that basically been the way it's been over
25 at least the past seven years or so when it comes to meds,

1 that some meds are dispensed by staff at Reynolds and other
2 meds are permitted to be self-administered by the residents?

3 A. No. It changed, and I'm going to give you a
4 guess, approximately a year and a half to two years ago,
5 where the offenders or residents could keep their meds and
6 self-administer in their rooms. Prior to that, everything
7 was logged and kept back in the back, and then they had to
8 come down to get it. But since the prisons do it now, we're
9 allowed to let them self-administer their own medication.

10 Q. Okay. And prior to a year and a half ago, when it
11 was changed, if an inmate had a need, for example, for a
12 regular medication, let's say high blood pressure or
13 diabetes or a heart condition or something like that, that
14 required, you know, this regular regime of treatment, the
15 Reynolds Work Release was set up to dispense that med on a
16 regular basis?

17 A. Correct.

18 Q. Okay. Have you worked in the prison setting
19 before?

20 A. No.

21 Q. What are the rules when it comes to visitation by
22 family members?

23 A. We go by policy, number one. Number two, when a
24 resident arrives, they're allowed a half-an-hour visit with
25 family. They fill out all their sponsor papers, and they're

1 allowed to visit their family member, and then we have to
2 send if off for a records check, which takes between a week
3 and two weeks. Once that is back to us, it's reviewed, and
4 the CCO either approves or denies, depending on what comes
5 back in the records check.

6 Q. And assuming that the visitor is cleared by the
7 records check, what are the rules about when they can come
8 and see residents?

9 A. As soon as it is approved, they're allowed to come
10 visit.

11 Q. As frequently as they wish?

12 A. Uh-huh.

13 Q. Yes?

14 A. Yes.

15 Q. And can they stay as long as they want?

16 A. No. Visiting hours are 10:30 a.m. to 10:30 p.m.
17 daily.

18 Q. But during those 12 hours of visiting hours, can
19 they stay for more than an hour or two at a time?

20 A. Yes.

21 Q. Do visitors ever assist residents with medical
22 issues?

23 A. I don't understand what you mean.

24 Q. Well, for example, if an inmate, or rather a
25 resident, needs to see the doctor, can the visitor assist

1 the resident with transportation to the doctor?

2 A. Depends on the situation. Depends on the CCO.
3 Depends on -- the CCO has to approve it.

4 Q. And does the CCO ever approve visitors to assist
5 with transportation of residents to go to the doctor?

6 A. Specifically, I would -- can't tell you
7 specifically. But generally, in my facility, yes.

8 Q. All right. And what if a resident needs to talk
9 with a medical provider on the telephone? Is Reynolds set
10 up to allow a resident to talk to a medical provider on the
11 phone?

12 A. Yes.

13 Q. Let's suppose a resident has a need for some other
14 sort of regular medical procedure besides just taking
15 medication that can be dealt with in an outpatient setting.
16 For example, let's suppose they have a dressing that needs
17 to be changed on a regular basis. How is that dealt with at
18 Reynolds?

19 A. Again, on an offender plan, and we put down if
20 they have to go daily, or whatever, they have to come back
21 to the facility from work or wherever they're coming from,
22 check into the facility, and then they're allowed to check
23 out to go to Harborview to get a dressing changed.

24 Q. And can they also have materials in their
25 possession at Reynolds that would allow them to do a

1 dressing change, if that could be done?

2 A. Yes.

3 Q. What about physical therapy? Are there ever any
4 residents who have a need for physical therapy?

5 A. Yes.

6 Q. How is that dealt with?

7 A. Same way. Offender plan. We get the schedule,
8 verify what their schedule is. They're either on the bus,
9 if they can -- however they can get there that's, you know,
10 good for them, and then they're allowed to go to physical
11 therapy.

12 Q. Okay. Are there a lot of medical facilities
13 around Reynolds, hospitals and doctors, that sort of thing?

14 A. Yes.

15 Q. Do employers of residents sometimes provide health
16 insurance?

17 A. Yes.

18 Q. Okay. What programs and services does Reynolds
19 offer to residents when it comes to finding employment?

20 A. Oh, boy. Our CCOs go out and help them. Our CCOs
21 will take them out to look for work. We have --

22 Q. Sorry. If I can interrupt here for one second.
23 They'll actually, physically, take them out in a vehicle?

24 A. Yes, they will. We have a job developer through
25 the contractor, Pioneer Human Services, who comes in every

1 Friday, and a lot of times guys get their own jobs.

2 Q. Is the job developer a job counselor? Is that the
3 correct way of characterizing it?

4 A. You know, I don't know. She doesn't work for me.
5 She works for the contractor. So I'm not exactly sure. I
6 know that she comes into the facility, looks and helps guys
7 with resumes, and guides them to jobs. That's all I can
8 tell you.

9 Q. Okay. So there is somebody called a job developer
10 who comes into the facility on a regular basis --

11 A. Every Friday afternoon.

12 Q. -- and assists inmates with completing resumes and
13 job applications?

14 A. Uh-huh.

15 Q. Yes?

16 A. Yes.

17 Q. And the job developer also provides advice about,
18 you know, places that might be suitable for the resident to
19 target for employment?

20 A. Correct.

21 Q. Let's suppose that I was a person who had just
22 been transferred to Reynolds Work Release, and I arrive at
23 the facility, and I am interested in getting a job. What is
24 the general process of how inmates go about -- or residents
25 go about finding a job?

1 A. When they come into the facility, they have an
2 initial interview with their CCOs, and the CCOs talk about
3 how they had previous employment, what kind of jobs are they
4 going to look for, and kind of get a feel for, you know, job
5 experience. A lot of times people have never held a job.

6 Then they go through an initial classification
7 where the whole staff talk to them, give them ideas about
8 where to look for work, things like that. And then three to
9 four days after they're there, they start going out to look
10 for work.

11 Q. And they're allowed to leave the facility on their
12 own?

13 A. They are.

14 Q. And go out for the day?

15 A. They go from 7:30 to 11:30, back in for an hour,
16 and then out again 12:30 to 4:30.

17 Q. And they can literally take the bus, if they
18 desire, down to South Seattle, and walk the street putting
19 in applications?

20 A. No. They have to go out with what's called an
21 employment seeking pass, which is preapproved by the CCO,
22 and they have to put down the three places that they're
23 going to go. So they have to do a little bit of
24 preplanning. And then we try to, you know, guide them.
25 Sometimes they'll have one in North Seattle and one in South

1 Seattle, and we're, like, You can't make that in one time,
2 you know, Try to get them all in the same area. And we tell
3 them that if they see a place that's hiring on the way, they
4 can add that onto the job search pass if they stopped in
5 there.

6 Q. So if they see a sign that says "Applications
7 welcome" --

8 A. Right.

9 Q. -- they can stop?

10 A. Yes.

11 Q. All right. And does Reynolds Work Release provide
12 reference services in the way of, you know, classified ads
13 in the newspaper or Internet access or something like that
14 so that residents can look to see who might be hiring?

15 A. We do. We have a newspaper that comes in daily.
16 We also have a job board where we post when we find out that
17 people are hiring. And then we also have Gloria Baker, who
18 comes in with people who are hiring.

19 Q. Is she the job developer?

20 A. She is the job developer, yes.

21 Q. So she will actually come in with specific
22 information about which employers are looking to hire
23 residents?

24 A. She could.

25 Q. Sometimes she does?

1 A. Sometimes she has, yes.

2 Q. Okay. So are there some employers that are known
3 at Reynolds to specifically hire work release residents on a
4 regular basis?

5 A. Yes.

6 Q. Can you name some of them for me?

7 A. Albert Lee Appliances.

8 Is it okay to do that?

9 MR. JOBSON: Uh-huh.

10 A. I just don't want to give away all my job
11 resources. Albert Lee Appliances, Ralph's Concrete, the
12 unions, Jiffy Lube. I can't think of any more, off the top
13 of my head.

14 Q. That's okay. What advantages are there, if you
15 know, from the perspective of these employers, to hiring
16 work release residents?

17 A. I can't answer that.

18 Q. Okay. Do the work release residents receive any
19 sort of financial assistance in connection with their job
20 search?

21 MR. JOBSON: Do you mean money?

22 MR. BUDGE: Yeah.

23 A. When they first arrive at the facility, they
24 are -- some are, I should say, not all -- some are provided
25 a draw check so they can get a bus pass so they can get on a

1 bus and work search. Depends on their situation. Depends
2 on how in debt they are. Depends on a whole lot of issues.

3 Q. Okay. So let's assume a resident comes in, and he
4 or she has no or very little money in his or her trust
5 account. Reynolds will provide some residents in that
6 situation with essentially an advance?

7 A. A loan.

8 Q. A loan?

9 A. We call it a loan, right.

10 Q. Okay. And they can use that money to what?

11 A. Buy bus passes, hygiene items, whatever they may
12 need to survive, or buy clothes to look for work. Just
13 depends on the guy.

14 Q. How much money does Reynolds loan to the
15 residents?

16 A. It's not Reynolds. It's called The Emit [ph]
17 Banking System. So you know, I don't know. It's the CCO's
18 job to do that. I honestly can't tell you how much.

19 Q. All right. And then is the process that the money
20 will be paid back by the resident out of his or her future
21 earnings?

22 A. Correct.

23 Q. And the residents can then literally, with that
24 draw check, go shopping, I mean, go shopping to buy clothes,
25 go shopping --

1 A. If they need to.

2 Q. -- go shopping to buy, you know, as you say,
3 hygiene items, toiletries, that sort of thing?

4 A. With the CCO approval.

5 Q. But they can do it once they get the CCO approval
6 to stop at the store?

7 A. Yes.

8 Q. They can do it on their own?

9 A. Yes.

10 Q. All right.

11 A. My apologies.

12 Q. That's okay. You're doing great. Let's assume
13 that an offender is successful in finding employment. What
14 happens to the paychecks that the resident receives from the
15 employers?

16 A. There's two ways. Some of the employers mail
17 their paychecks in to the facility.

18 Q. So they will actually mail it to the resident,
19 care of Reynolds Work Release?

20 A. Uh-huh.

21 Q. Yes?

22 A. Or the offender is allowed to bring it in.

23 Q. To physically bring in the paycheck?

24 A. Physically bring in the paycheck. They are
25 required to turn it over to the front desk with a signature,

1 and they're given a receipt. It's logged in, and then it's
2 sent to their inmate banking account.

3 Q. Which is a trust account?

4 A. Trust account.

5 Q. And then when they are eventually released from
6 Reynolds, are they provided with a check for their
7 accumulated earnings?

8 A. Yes.

9 Q. And are the deductions automatic out of that trust
10 account?

11 A. Yes.

12 MR. JOBSON: Can we go off the record for a
13 second?

14 MR. BUDGE: Yes.

15 (Discussion off the record.)

16 Q. Does Reynolds keep any sort of records or
17 statistics that would indicate the percentage of inmates who
18 are successful finding employment?

19 A. No.

20 Q. Do you have any way to tell me, off the top of
21 your head, a rough estimate of the percentage of inmates who
22 are successful in finding employment?

23 A. No.

24 Q. Would you say it's more than 50 percent?

25 A. I would guess that. I can't honestly tell you for

1 sure.

2 Q. Okay. Is it a requirement that residents at
3 Reynolds seek employment?

4 A. Yes.

5 Q. Are there any exceptions?

6 A. Yes.

7 Q. What are the exceptions?

8 A. Exceptions could be if an offender is or resident
9 is going to another county. Like we serve King, "Sno," and
10 Island County only. So if we have somebody there, an
11 exception that may be going to another county, we usually
12 don't have them work, because -- depending on their time
13 there, because they will only work for an employer for, you
14 know, a month and then burn out our employer. So we usually
15 have them work in the house.

16 Q. Oh, so they can actually work at the Reynolds
17 facility.

18 A. Uh-huh.

19 Q. Yes?

20 A. Yes.

21 Q. And do they get paid for that?

22 A. Some do -- they have to apply for a job -- and
23 some don't. Sometimes we just have them work in the
24 facility, doing community service, if they can't work.

25 Q. But there are some residents who can actually work

1 for at least minimum wage at Reynolds Work Release?

2 A. Correct.

3 Q. How many, approximately, residents are employed at
4 Reynolds Work Release at any one time?

5 A. Usually two.

6 Q. Do you know how much Reynolds pays?

7 A. No.

8 Q. But it's at least minimum wage?

9 A. Yes.

10 Q. What programs or services are offered in the way
11 of chemical dependency, counseling, alcohol counseling,
12 things like that?

13 A. We have two chemical dependency counselors on
14 site, we have intensive outpatient treatment, and then we
15 have continuing care, which is like an outpatient. We have
16 an on-site AA/NA meeting.

17 Q. "AA" meaning "Alcoholics Anonymous" and "NA"
18 meaning "Narcotics Anonymous"?

19 A. Correct. We have stress anger management. We
20 have a class called Getting It Right, which is about
21 critical thinking skills, but every year there's different
22 programming. So I'm telling you what we have now.

23 Q. And you've had similar, if not identical, programs
24 over the years?

25 A. Correct.

1 Q. Let's assume that a resident gets a job or is
2 offered a job at an employer that wants to hire the resident
3 to work graveyard shift. Can that be done?

4 A. Yes.

5 Q. And so residents can literally sleep during the
6 day at Reynolds and check out at, say, 9 p.m., for example,
7 go to their job, and come back and check in at 6:30 a.m.?

8 A. Yes.

9 Q. Does Reynolds frequently have problems with
10 residents leaving to say they're going to a job and never
11 coming back?

12 MR. JOBSON: I'm going to object to the form
13 of the question, only because of the word "frequently."

14 Q. And if you want to sort of describe your answer or
15 qualify it, let me know.

16 MR. JOBSON: You may answer if you understand
17 what he means.

18 A. I do, and I would say no, not frequently, but it
19 does happen from time to time.

20 Q. Okay. What are the living conditions for the
21 residents there at Reynolds? Do they have their own room,
22 or do they share a room?

23 A. Most are single-man rooms, and there are a few
24 double-man rooms.

25 Q. And that leads me to a question: Is it all male

1 residents?

2 A. It is an all-male.

3 Q. And do the rooms have their own bathroom
4 facilities, or are those shared?

5 A. It is shared.

6 Q. What about eating? Does Reynolds have a
7 cafeteria?

8 A. We have a kitchen and a dining area.

9 Q. Are there regular meals that are provided to all
10 the residents at particular times of day, or can a resident
11 go in and get a hamburger whenever he feels hungry?

12 A. They have regular meal times. They have a
13 breakfast time, lunchtime and dinner time. And for those
14 who work late at dinner time, we have what's called a late
15 plate system so they get a hot meal when they get in.

16 Q. Do they have to pay for their meals at Reynolds?

17 A. It's included in their room and board.

18 Q. I see. And how much is the room and board?

19 A. 13.50 a day.

20 Q. So the 13.50 a day pays for three meals per day,
21 and it pays for their housing?

22 A. Correct.

23 Q. And it also pays for the access to the various
24 programs and services that you described?

25 A. Correct.

1 Q. Do you know whether or not he received any
2 job-seeking assistance?

3 A. I know that he did not, because he was releasing
4 to Skagit County.

5 Q. Do you know how soon prior to his ERD Mr. Perez
6 transferred to Reynolds?

7 A. No, I couldn't honestly tell you. But it wasn't
8 very long.

9 Q. Does Reynolds have a library?

10 A. Yes.

11 Q. And residents can freely access the library?

12 A. Yes.

13 Q. Does Reynolds have pay telephones?

14 A. Yes.

15 Q. And residents can freely use those?

16 A. Yes.

17 Q. Does Reynolds have anything having to do with, you
18 know, recreation, I mean, pool tables or foosball tables or
19 dart boards or anything of that nature?

20 A. We've got a ping pong table, pool table, and a
21 weight room.

22 Q. Okay. What if a resident wants to obtain
23 identification in the form of a -- if not a driver's
24 license, at least a Washington ID card? Are they permitted
25 to do that?

1 A. Some are; some are not.

2 Q. What does it depend on?

3 A. Depends on whether or not they have the finances
4 to do it.

5 Q. In other words, actually pay for the ID card?

6 A. Yeah. They have to pay for their own ID card.
7 And it depends on where they're going to release to.
8 Sometimes they're -- and it depends on the timing.

9 Q. Okay. Are residents permitted to look for
10 permanent housing where they might live after they're
11 released from the DOC?

12 A. Yes.

13 Q. So they can actually do, essentially, an apartment
14 search?

15 A. Yes.

16 Q. Are residents allowed to visit public agencies to
17 apply for or learn about public assistance programs?

18 A. No. Well, I should take that back. They can. It
19 depends on their circumstances, again. It depends if -- we
20 have senior citizens that are getting Social Security. We
21 have people who may need --

22 THE COURT REPORTER: Please slow down.

23 Q. Slow down.

24 A. I know. Residents that need food stamps. I said
25 one more thing.

1 Q. JSU or JCU.

2 A. GAU benefits.

3 Q. What are GAU benefits?

4 A. They are, like, a supplemental income that you get
5 monthly for -- a lot for disabled people who can't work or
6 mentally ill or that type.

7 Q. Is that a state or a federal program; do you know?

8 A. State. Through DSHS, I think.

9 Q. Okay. And where is the office that a person would
10 visit if they wanted to learn more about GAU benefits?

11 A. Belltown.

12 Q. Are residents, if they make arrangements with
13 Reynolds, able to visit the Belltown office to learn about
14 GAU benefits?

15 A. Yes.

16 Q. And similarly, they're allowed to visit agencies
17 to learn about Social Security benefits and food stamps?

18 A. Yes.

19 Q. Can they actually apply for those services?

20 A. They cannot apply for them until they are actually
21 released from custody.

22 Q. Okay. But they can at least get forms and learn
23 about eligibility requirements and that sort of thing?

24 A. Yes.

25 Q. Are they permitted to establish a bank account?

1 A. No.

2 Q. Are they permitted to visit banks in order to
3 obtain information about starting a bank account?

4 A. No.

5 Q. Why not?

6 A. Because the law states they cannot have access to
7 one nor have one nor use one while they're in custody.

8 Q. Okay. Let's suppose a resident is working at a
9 job, and their paychecks are being deposited in the trust
10 account, but they need some cash to buy something having to
11 do with their job, for example, maybe some sort of piece of
12 clothing or equipment or a hard hat. What can they do to
13 get cash?

14 A. They can request money out of their inmate banking
15 via their CCO. And if they have money in their account, it
16 will be approved, and they will get it within a couple
17 weeks.

18 Q. And do they actually get cash?

19 A. They get a check that they have to go cash.

20 Q. Where can they cash the check?

21 A. At a bank.

22 Q. Okay. So they can visit a bank to cash a check.

23 A. Correct.

24 Q. What if they're out and about and they're working
25 a long shift and they get hungry? Can they stop at

1 MacDonald's?

2 A. No, not without prior approval.

3 Q. What do they need to do to get approval to make
4 arrangements to visit a restaurant, let's say, in connection
5 with a lunch break?

6 A. It will normally be denied. They are not allowed
7 to.

8 Q. Okay. So what do they do for food?

9 A. We provide them lunches that they take with them.

10 Q. Oh, I see. Box lunch?

11 A. Sack lunch, yeah. And if they're working
12 construction, they get two lunches.

13 Q. Okay.

14 MR. JOBSON: Starting to sound better to you,
15 huh?

16 MR. BUDGE: Sounds like a great deal, I've
17 got to tell you.

18 A. I don't think the guys get it until they get out,
19 though, and they figure out how much everything really does
20 cost.

21 Q. Yeah. Right. Okay.

22 MR. JOBSON: Sure beats Guantanamo.

23 MR. BUDGE: Let's don't even go there. You
24 don't want to get me talking.

25 Q. If you know, what is a DT25 profile? Does that

1 referrals that you check on a weekly basis, what information
2 is contained on the computer screen? What are you initially
3 looking at?

4 A. The screen initially says the guy's DOC number,
5 his name, and what custody level he is. I'm just trying to
6 look at the screen real quickly, what his ERD or ARD is, and
7 when he was referred and where it came from.

8 Q. Meaning which prison?

9 A. Institution. Correct.

10 Q. And so you then divide that list between the three
11 of you. And once you have assigned yourself one third of
12 the list, then what do you do in order to consider whether
13 or not a work release referral is going to be approved or
14 denied?

15 A. I go in and look at the screen of the offender and
16 look to see if he's minimum custody first. They have to be
17 minimum custody before we screen them. I look at the county
18 they were convicted of -- out of, and now that's changed,
19 because now we have the 6157, where they have to go back to
20 their original county of conviction. So it's a little bit
21 different now.

22 I look to see what their release plan is, do they
23 have one, do they not have one. I look at their infractions
24 to see what kind of infractions they've had. I'm trying to
25 think of what else. I do it so by rote that I'm trying to

1 remember everything -- I look at the chrono screens, to see
2 if there's ever been any issues, and then I make my
3 decision.

4 Q. Do you look at the PULHESDXT code scores?

5 A. Yeah, I do. Yes, I do. And then if I see
6 something that looks -- that's not explained anywhere, I'll
7 do a note to the institution saying what is the issue, you
8 know, what -- you know, is he diabetic so he -- you know,
9 because P3 could be diabetes. It could be asthma.

10 And then we negotiate, and then I approve or deny,
11 depending on what the issue is. If medical says no, he
12 needs a major medical facility, then I have to deny him. If
13 they don't say that, then we'll accept him.

14 Q. Do you actually talk with medical about it?

15 A. No. We email.

16 Q. Do you actually email with the offender's medical
17 provider?

18 A. No. I go to the counselor, who then goes to
19 medical, and then they send me back medical's response.

20 Q. Okay. Have there been any other individuals at
21 Reynolds since 2003 who have been responsible for reviewing
22 work release referrals?

23 A. No.

24 Q. When you look at information about an offender on
25 the computer in order to assist you in making a

1 A. -- in Olympia, who also has the headquarters
2 screening committee. And then they review it and present it
3 to the headquarters screening committee, and then the
4 committee makes a decision.

5 Q. Either to uphold your denial or overrule your
6 denial?

7 A. Correct.

8 Q. Now, you mentioned that when you fill out a work
9 release denial form, you state the reason for the denial on
10 the form.

11 A. Correct.

12 Q. Are you required to do that?

13 A. Yes.

14 Q. And is your practice to be accurate when you are
15 filling out the reason for the denial? In other words, you
16 try to be accurate in terms of stating the reason for the
17 denial?

18 A. Correct.

19 Q. And do you completely state the reason for the
20 denial, if there's more than one reason?

21 A. Yes.

22 Q. Do you ever communicate with classification in
23 Olympia about the reason that you denied an offender?

24 A. Sometimes they'll ask for clarification, yes.

25 Q. Is it the general practice that after you fill out

PHILLIPS

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C E R T I F I C A T E

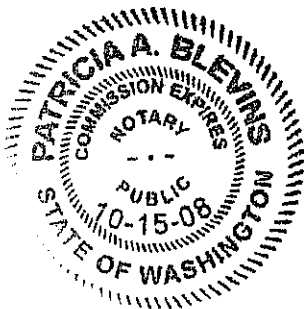
STATE OF WASHINGTON)
) ss.
COUNTY OF KING)


I, the undersigned officer of the Court, under my commission as a Notary Public in and for the State of Washington, hereby certify that the foregoing deposition upon oral examination of the witness named herein was taken stenographically before me and thereafter transcribed under my direction;

That the witness before examination was first duly sworn by me to testify truthfully; that the transcript of the deposition is a full, true and correct transcript of the testimony, including questions and answers and all objections, motions, and exceptions of counsel made and taken at the time of the foregoing examination;

That I am neither attorney for nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal this 15th day of November 2007.




PATRICIA A. BLEVINS
NOTARY PUBLIC in and for the
State of Washington, residing
at Federal Way.
My commission expires 10/15/08.

DECLARATION OF EDWIN S. BUDGE

EXHIBIT 2

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA

RICKEY PERALEZ, on behalf of)	
himself and others similarly)	
situated,)	
)	
Plaintiff,)	
)	
vs.)	No. C06-5625 JKA
)	
THE WASHINGTON DEPARTMENT OF)	
CORRECTIONS, HAROLD CLARKE,)	
DOUGLAS WADDINGTON, BELINDA)	
STEWART, KEVIN SHANAHAN, JEAN)	
STEWART, and JANE DOES 1-20,)	
employees and officials of the)	
Washington Department of)	
Corrections and/or Stafford Creek)	
Corrections Center,)	
)	
Defendants.)	

Deposition Upon Oral Examination

of

SANDRA MUSSELWHITE

Taken at 1019 Pacific Avenue
Tacoma, Washington

DATE: November 14, 2007

REPORTED BY: Patricia A. Blevins, CCR
CCR NO. 2484

STARKOVICH REPORTING SERVICES
(206) 323-0919

STARKOVICH REPORTING SERVICES
206.323.0919

1 TACOMA, WASHINGTON; WEDNESDAY, NOVEMBER 14, 2007

2 1:10 P.M.

3 --o0o--

4
5 SANDRA MUSSELWHITE, deponent herein, having been
6 first duly sworn on oath, was
7 examined and testified as
8 follows:
9

10 E X A M I N A T I O N

11 BY MR. BUDGE:

12 Q. Would you state your name, please.

13 A. Sandra Musselwhite.

14 Q. And Ms. Musselwhite, do you work for department of
15 corrections?

16 A. I do.

17 Q. What is your title?

18 A. Community corrections supervisor.

19 Q. And where do you work?

20 A. Currently I supervise Progress House and
21 Rap/Lincoln Work Release in Pierce County.

22 Q. In terms of the chain of command at these work
23 release facilities, are you the highest person in the
24 hierarchy at those facilities?

25 A. At the facility, yes.

1 Q. And who do you report to?

2 A. Steve Johnson. He's field administrator for work
3 release.

4 Q. I was just about to ask you whether he was the
5 field administrator for work release. How long have you
6 been the head of Lincoln Park/Rap Work Release?

7 A. Since 6/4/07.

8 Q. And how long have you been the head of Progress
9 House Work Release?

10 A. October '04.

11 Q. Have you worked at any other work release
12 facilities besides the ones --

13 A. Yes. Bishop Lewis, in Seattle, Ratcliff, in
14 Seattle, R-a-t-c-l-i-f-f, and Kitsap Work Release, which has
15 morphed into Peninsula Work Release now, many years ago,
16 early '80s.

17 Q. What were the positions that you held at these
18 other work release facilities, beginning with Bishop Lewis?

19 A. I've been CCO in work release, and I've been a
20 supervisor.

21 Q. Have you supervised Bishop Lewis?

22 A. Yeah.

23 Q. From when to when did you supervise Bishop Lewis?

24 A. It was about five years, right before Progress
25 House.

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1 Q. And approximately how long were you the supervisor
2 at Bishop Lewis?

3 A. Five years.

4 Q. I see. So for the five-year period prior to going
5 to --

6 A. Progress House. So '90-something to 2004. '99 to
7 2004.

8 Q. One of the things that you'll see during this
9 deposition, it's not quite like a normal conversation in the
10 sense that I have to complete my answer and then you have to
11 give your question -- or --

12 A. Right. I got it.

13 Q. You know the drill. I'm tired, and it's only
14 1:16.

15 For what period of time were you the supervisor at
16 Ratcliff?

17 A. Eight years, the eight years right before Bishop
18 Lewis. So '91 to '99, I guess, somewhere in there. I could
19 be off.

20 Q. Sure. These are --

21 A. Estimates.

22 Q. -- estimates. And for what approximate period of
23 time do you think that you were the supervisor of Kitsap
24 Work Release?

25 A. I actually went over there as a CCO3 and about six

1 months later became the supervisor for about two years. And
2 it was in the mid-'80s. I was also a CCO at Rap/Lincoln in
3 the '80s, as well.

4 Q. At the current time where do you work, physically?
5 Do you have an office somewhere?

6 A. I had two offices, one in each facility.

7 Q. So you have one office at Progress House and
8 another office at --

9 A. Ratcliff.

10 Q. Try to do your best to wait for me to finish my
11 question.

12 A. Okay.

13 Q. Does Rap/Lincoln together have approximately 50
14 beds?

15 A. Yes.

16 Q. How many beds, approximately, does Progress House
17 have?

18 A. 75.

19 Q. Do you know who Mark Stern is?

20 A. Yes.

21 Q. What is his position?

22 A. He is the director of medical. I can't remember
23 his exact title.

24 Q. In recent months, did you attend a meeting where
25 Mark Stern was present?

1 floor. The male beds are on the second floor. So it meant
2 stairs. Then going out and looking for work. So I would
3 assess that individually with the counselor.

4 Q. Did you take fours at Progress House?

5 A. No.

6 Q. Did you take fours at Bishop Lewis?

7 A. No.

8 Q. Did you take threes at Bishop Lewis?

9 A. Same way. Same way. I always assessed it with
10 the counselor.

11 Q. Did you take fours at Ratcliff?

12 A. No.

13 Q. Did you take threes at Ratcliff?

14 A. Same way.

15 Q. And was that also the same way at Kitsap?

16 A. You know, that was before PULHESDXT scores. That
17 was before computers.

18 Q. Right. Right. Let's assume that somebody had --
19 well, first of all, if we look at the PULHESDXT code
20 acronym, are you familiar with what the different letters
21 stand for?

22 A. Yeah.

23 Q. Okay. So if somebody had a four, let's say, on
24 the "E" factor, would that person be allowed to come to
25 Progress House?

1 A. No.

2 MR. JOBSON: Object to the form of the
3 question. It's vague as to time.

4 Q. Well at any time that you've been supervisor?

5 A. No.

6 Q. And would a person with a four on the "H" factor
7 be allowed to come to Progress House?

8 A. No fours.

9 Q. Would a person with a four on the "E" or "H"
10 factors have been allowed to come to Bishop Lewis while you
11 were the supervisor?

12 A. No.

13 Q. Would a person with a four on the "H" or "E"
14 factors have been allowed to come to Ratcliff while you were
15 the supervisor?

16 A. They wouldn't have been referred.

17 Q. Why is that?

18 A. Work release only accepted up to three.

19 Q. Did you understand that to be a blanket rule
20 instituted by the DOC centrally?

21 A. I don't know where it was instituted. It's so
22 long ago.

23 Q. Yeah. I guess I'm trying to understand. When you
24 say that they wouldn't have been referred, would that
25 have -- I mean what is your understanding based on?

1 infractions, she'll look at infractions, she determines for
2 me what the crime of origin is and puts that -- writes that
3 on, and also tells me where they're -- who they're going to
4 release to, like parents or friends or whatever. She checks
5 for warrants, misdemeanor warrants that are out there.
6 She'll check if they're a sex offender, if they received
7 treatment, what level they are, that kind of stuff.

8 Q. And then --

9 A. Anything that she wants me to take a look at,
10 she'll --

11 Q. And then does she provide you with all of that
12 information, or does she just filter out what she thinks --

13 A. No. All of it comes to me in a packet.

14 Q. Is there any information that you review that
15 includes the offender's PULHESDXT code scores?

16 A. Yes. That's on the DI14.

17 Q. Excuse me for my ignorance. Is the DI14 the same
18 as the legal face sheet or what I call the legal face sheet?

19 A. Yeah, well, I would think so. I don't -- do you
20 want to show me what you think the legal face sheet is, and
21 then I'll tell you whether that's the DI14?

22 Q. Yeah. (Counsel shows document.)

23 A. Yeah, that's it.

24 Q. Okay. It bears Production Number 05172844
25 through 7. So what I've been calling the legal face sheet

1 A. That's what this says.

2 Q. Okay. Do you have any reason to think that that
3 is not what occurred?

4 A. Well, it says it got referred to Lincoln Park. I
5 don't -- JSC. I don't know who that is. And then
6 eventually we accepted. And I don't know why that happened.

7 Q. That was just about four or five months ago. Is
8 that --

9 A. Yeah.

10 Q. Do you have any recollection of this offender?

11 A. I don't.

12 Q. Do you know why this offender would have been
13 referred to Lincoln Park and then it came back to you at
14 Progress House?

15 A. No.

16 Q. For those offenders who are permitted to come to
17 Progress House and are actually transferred there, what
18 services does Progress House provide to the inmates relative
19 to finding employment?

20 A. If they need help finding employment, they can go
21 down to Work Source, and they have a number of computers
22 there, and there's a woman there that will help them with
23 referrals. She also sends us hot jobs that she gets to help
24 refer. We do business with, you know, quite a few employers
25 in the Pierce County area. So we refer there, and they

1 hire.

2 Q. What are some of the main employers that hire out
3 of Progress House?

4 A. Oh, Tacoma Trust.

5 Q. Did you say "Tacoma Trust"?

6 A. Yeah. And they also, I think, have hired some
7 Rap/Lincoln people.

8 Q. What kind of business is Tacoma Trust?

9 A. I don't know. CCO work.

10 Q. What?

11 A. That's a CCO job. We have just, you know, five or
12 six. There's, like, auto repair places and pallet services.

13 Q. Did you say "pallet"?

14 A. Pallet services.

15 Q. What are some of the other employers that --

16 A. I'm sorry. I can't remember right now. We have a
17 list.

18 Q. And when you talk about Work Source, is that a
19 service offered directly by Progress House, or is that a
20 different job assistance agency or something?

21 A. It is. It's with Employment Security. But they
22 actually are housed in our CJC in Tacoma, which is on 28th
23 Street.

24 Q. What does "CJC" mean?

25 A. Community Justice Center. It's got a couple

1 units, field units.

2 Q. Oh, okay. So the residents of Progress House can
3 actually go to Work Source?

4 A. Uh-huh.

5 Q. Yes?

6 A. Yes.

7 Q. And just like any other member of the community,
8 access the resources there?

9 A. Yes.

10 Q. All right. Do they need a special pass to go down
11 there?

12 A. Yes.

13 Q. Okay. Does Progress House offer any sort of job
14 counseling, help with resumes or applications, access to
15 classified ads, or anything else that you can think of that
16 can assist offenders with finding a job?

17 A. I take a newspaper for the offenders to use.
18 Again, the hot jobs that are sent to us by Work Source are
19 posted for them. They can go down to Work Source and work
20 on resumes. Frequently they bring resumes already made from
21 the institution, because they've had some programming in the
22 institution that prepares them for work release.

23 Q. Can they go out and pound the pavement and put in
24 applications?

25 A. Yes.

1 Q. What do they need to do with the work release
2 facility in order to arrange a day trip to, you know, put in
3 applications up and down the street?

4 A. Actually, they go out every day, and they have to
5 put in a pass with a plan. So they have to tell us where
6 they're going to go and who they're going to see. And they
7 go out, and then we check and make sure, randomly, that
8 that's what they did. They have ten working days to find a
9 job when they first arrive, and that can be extended if
10 they're working hard at it.

11 Q. Do most inmates get a job within ten days?

12 A. Yes.

13 Q. And when inmates get their paychecks, do they then
14 turn those over to the work release facility to be deposited
15 in their trust account?

16 A. Yes.

17 Q. And then does the work release facility
18 automatically deduct some amount for their room and board?

19 A. The business office does that.

20 Q. Do you know what that amount is for Progress
21 House?

22 A. \$13.50 a day.

23 Q. And does that amount include both the room and
24 meals?

25 A. Yes.

1 Q. All right. Are residents permitted to work, once
2 they find a job, any shift, swing, graveyard, day shift?

3 A. Yes, depending on the transportation issue.

4 Q. But assuming they can find a reliable way to get
5 to and from a job, would there be any prohibition on an
6 inmate working from nine p.m. to five a.m.?

7 A. No.

8 Q. How do they get in and out of the facility? Do
9 they have a special code or a card or something of that
10 nature?

11 A. The facility -- Progress House has been unlocked
12 till recently. We just have a buzzer now and keep the doors
13 locked at night. They sign in and out.

14 Q. And is it staffed 24 hours a day?

15 A. Yes.

16 Q. So if somebody comes home from a job at four or
17 five a.m. and pushes the buzzer, there's somebody working
18 that can open it?

19 A. Yes.

20 Q. What about basic necessities like laundry and
21 things like that? What is provided by Progress House and/or
22 Progress House's contractor, if there is one, and what does
23 the -- what do the residents have to provide for themselves?

24 A. There's laundry services there. They have to pay
25 for it. When they arrive, they're given several checks.

1 One is made out to, you know, the bus company so they can
2 get a bus pass or bus tickets, and another one is a draw for
3 them. Another one is so they can get their ID.

4 So they have a number of checks that they get, and
5 then two weeks later they get another group of checks. So
6 we front them that as kind of like a loan, and that comes
7 from the State. And they can have up to \$300, but they
8 normally only get \$150, and to get anything beyond that,
9 they have to have my approval.

10 Q. To get anything beyond 150?

11 A. 150. So I can approve up to 300 for them. They
12 have to pay that back.

13 Q. And is that a 150 draw when they first arrive and
14 then another 150 draw two weeks later?

15 A. No. The 150 is the total for that period of time.
16 I think they get, like, \$50 two weeks later.

17 Q. Okay. And they use that money for what, buying
18 bus passes, you said?

19 A. A bus pass, Social Security card, ID, and hygiene
20 items, if they need it.

21 Q. So do they actually go and cash those checks?

22 A. Yes.

23 Q. I see. So forgive me for being so ignorant about
24 this. Is the \$150 -- are those in the form of checks that
25 are made out to the resident or to --

1 A. Some of them are, and some of them are made out to
2 the place where they're going to get the item, like Social
3 Security and/or the State ID, you know. We like to limit
4 how much money they have.

5 Q. Right. But if an offender wishes to buy some
6 personal hygiene items, for example, that's going to be by
7 way of a cash purchase, and so they'll get a check, and then
8 they go cash it at the bank?

9 A. Yes. And we also have some hygiene items there
10 for them, too, if they need it.

11 Q. All right. What about blankets and towels and
12 things of that nature? Are those provided by the work
13 release facility?

14 A. The contractor, yes.

15 Q. And the offenders that find employment in the
16 community, do they earn market wages comparable to what, you
17 know, other people earn? In other words, it's at least
18 minimum wage? Is that your understanding?

19 A. Yes.

20 Q. Does Progress House have any drug or alcohol
21 programs available to offenders?

22 A. Yes.

23 Q. Does it have any type of anger management or other
24 type of counseling services available?

25 A. Sometimes. My CCOs actually have been trained to

1 teach anger management, and there is anger management taught
2 around the area by other CCOs. So they can be referred to
3 other programs. So that's kind of how we deal with that. I
4 have videos, you know, so they could watch videos about it,
5 that are kind of mini classes.

6 Q. Does Progress House have a library of some sort?

7 A. They have a big bookcase full of books.

8 Q. Are there any recreational opportunities in the
9 way of, you know, pool tables or dart boards or things like
10 that?

11 A. They have pool tables, and they are allowed social
12 outings in Step Two so they can go out with their family.

13 Q. And what has to occur in order to have a social
14 outing?

15 A. Their family applies and has to pass a record
16 check and go through a sponsor orientation.

17 Q. And assuming they pass the record check and
18 complete the sponsor orientation, can they simply come and
19 pick up the resident and go out and have dinner out or go to
20 a movie or something like that?

21 A. Yes, for a limited amount of hours per week.

22 Q. How many hours per week?

23 A. Let's see. Step Two is 20, and Step Three is 30,
24 I believe, and it has to be within certain time frames of
25 the day.

1 Q. Can loved ones come and visit the residents at the
2 facility?

3 A. Yes.

4 Q. Is there a room set up to make that happen?

5 A. Yes.

6 Q. What are the visiting hours?

7 A. I think at Progress House the only days they're
8 not allowed to have visits are the days we do our major
9 cleanup. And there's two days, and I think it's Tuesday and
10 Thursday that they have to clean the facility. It has to be
11 spotless.

12 Q. Are there opportunities to actually work at
13 Progress House?

14 A. No.

15 Q. What about the kitchen? Does the kitchen provide
16 three meals a day to offenders?

17 A. Yes. Weekends, we do a brunch, kind of a bigger
18 meal that's -- you know, so they can sleep late and then
19 have a brunch. So I think weekends are two meals, but
20 they're bigger.

21 Q. And if there's an inmate who finds a job -- well,
22 for those inmates who find jobs, what do they do about
23 eating at their place of employment or on their way to or
24 from their place of employment?

25 A. Well, we don't allow that. They're given a lunch,

1 a sack lunch, and if they get back after dinner, we hold a
2 late plate for them. If they work at Burger King, and they
3 can eat there, usually, as well, we don't limit their meal
4 because they're eating at work.

5 Q. Okay. That's punishment enough, eating at Burger
6 King. Rather be back in prison.

7 A. You might not really believe that.

8 Q. What about offenders -- or residents, rather --
9 who need to see a doctor? Does Progress House have methods
10 in place to let that happen?

11 A. Yes. Well, there's some community clinics that do
12 kind of sliding scale pay. So if it's during the work week,
13 we might arrange for them to go to one of those. After
14 hours, they have to go to the hospital if it's that serious.

15 Q. Are there residents who have a need for regular
16 medical appointments with certain health care providers?

17 A. Sometimes.

18 Q. So what happens in those instances?

19 A. They're allowed to go. They have to pay their own
20 medical in work release, you know. So that's a problem.

21 Q. Do any of the residents get medical insurance as
22 part of their job?

23 A. Sometimes. But usually you have to work, you
24 know, a period of time before you get that.

25 Q. And for those residents who have need for regular

1 medical appointments, does your facility have any problem in
2 allowing them to go so long as they, you know, make
3 appropriate arrangements?

4 A. Right. No.

5 Q. Is that something that regularly occurs?

6 A. Yes.

7 Q. What about inmate medications? How is that issue
8 handled at Progress House?

9 A. If it's prescribed, the staff -- it's locked up.
10 We have medication times. Offender comes down for his
11 medication. We supply him with the bottle of medication.
12 He pours out what he needs to take. The staff watch. He
13 takes it, and we lock it back up. Anything other than
14 prescribed they get to keep on them.

15 Q. And how often is the med line?

16 A. I don't know. Probably four times a day, maybe.

17 Q. Who issues the medications?

18 A. The lead program monitor or lead facility monitor
19 at Progress House. They're the only ones allowed to have a
20 key.

21 Q. Okay. So is it your understanding that they're
22 allowed to do that even if they're not a nurse?

23 A. Well, they're not dispensing.

24 Q. Right.

25 A. They're handing the offender his meds. The

1 offender takes what he needs.

2 Q. Right. Does the program manager ever put the
3 medication into a -- you know, one of those little plastic
4 boxes that has the different days of the week marked on it?

5 A. No. We don't do anything like that. We don't
6 touch their meds except to hand them the bottles.

7 Q. Are there many inmates that have a need for
8 regular medications?

9 A. Prescribed? It's a lot less than it was when we
10 had to monitor the over-the-counter too. It's quite a
11 change in work load since they took that away. So I
12 think -- you know, it probably changes on any given day, but
13 maybe 10 of them, out of 75. That's about all.

14 Q. Okay. And what do the residents do in order to
15 get their prescriptions refilled?

16 A. They usually call me at midnight to tell me that
17 the medication needs to be renewed. It's really their
18 responsibility.

19 Q. Well, can they go to a pharmacy and present a
20 prescription and pay for the drugs and bring them back?

21 A. They have to do all of that, yeah.

22 Q. But are they permitted to do so under whatever
23 rules govern Progress House?

24 A. Yes. Sometimes they have their families do that
25 for them.

1 Q. Do families ever participate in residents making
2 medical appointments?

3 A. Yes.

4 Q. Can family members assist with transportation to
5 medical appointments?

6 A. Yes. That is up to the CCO.

7 Q. Now, I think you already said this, and I didn't
8 let it register in my brain. Does Progress House have both
9 male and female residents?

10 A. Yes. Six female.

11 Q. I see. And how is Progress House laid out
12 physically?

13 A. It's a nice, big facility, having come from Bishop
14 Lewis, which is real tight, you know. The male beds are all
15 upstairs, and they have three bathrooms up there, and then
16 the female beds are all downstairs.

17 Q. Okay. So --

18 A. And all the administrative office, the dining
19 room, the day rooms, everything, is downstairs.

20 Q. So the female beds are on the same floor with the
21 dining facilities and the administrative offices?

22 A. Yes.

23 Q. And are there 75 minus 6 -- something like 59 male
24 beds?

25 A. 69 male beds.

1 Q. Right. And are all of those beds on the second
2 floor?

3 A. All of them.

4 Q. So how many bathrooms are there?

5 A. There's three, you know, two rather large ones and
6 then a smaller one on the third floor.

7 Q. Okay. Does each bathroom have a number of showers
8 and a number of toilets?

9 A. The two do. They're big.

10 Q. Okay. And in terms of the rooms where the men
11 stay, are they shared? Single? Quadruple? How does it
12 work?

13 A. We have all different kinds. So there's -- some
14 rooms have four beds. Some rooms have two beds.

15 Q. In terms of what you described concerning
16 financial assistance, or, I should say, in terms of the
17 draws that you described, is that significantly different at
18 Progress House from the way it worked at Bishop Lewis?

19 A. No.

20 Q. It's basically the same?

21 A. Yes.

22 Q. And in terms of social outings and visits by
23 family members, is that basically the same?

24 A. Basically the same, yeah.

25 Q. And in terms of the process by which residents go

1 about finding employment, is that basically the same?

2 A. Yeah. We didn't have Work Source in Seattle.

3 Q. Are there any other significant distinctions,
4 other than that?

5 A. No.

6 MR. BUDGE: I would suggest we take a short
7 break so that we can have a little bit of water and use the
8 facilities as appropriate. Is that okay with you?

9 THE WITNESS: Yeah. That's fine.

10 (Break in the proceedings.)

11 Q. Has Progress House had any residents in
12 wheelchairs in the period of time that you've been in
13 charge?

14 A. No.

15 Q. I think you mentioned that there was an elevator
16 at Progress House; is that correct?

17 A. Yeah, like a service elevator.

18 Q. Is there a way to enter the facility without
19 walking up stairs?

20 A. Yes.

21 Q. Can you please describe that to me?

22 A. It's a ramp.

23 Q. Is there any reason that you can think of that the
24 facility would not be generally accessible to a
25 wheelchair-bound resident?

1 where Bishop Lewis didn't take people with threes or above?

2 A. Yeah.

3 Q. And did that, then, change at some point, where
4 Bishop Lewis began operating differently?

5 A. Well, not -- I mean Bishop Lewis and everyone
6 else. About the time -- and again, I mean, I don't have
7 great recall about when all these things happened. But
8 about the time we computerized the referral packet, I think
9 there was an emphasis on us making sure that we maybe called
10 the counselors and discussed the three codes. And I don't
11 know if that was two years ago or four years ago. I just
12 don't know.

13 Q. What was the practice before?

14 A. Three or above was not work release.

15 Q. Was there a blanket prohibition on the three or
16 more coming to work release?

17 A. Pretty much.

18 Q. And what is your best recollection about how that
19 happened? In other words, was the counselor then not
20 supposed to forward a work release referral if the person
21 had a three or more, or what?

22 A. We got them. And this is an example of us not
23 accepting one.

24 Q. Okay. So did it matter where the -- at what
25 portion of the PULHESDXT code score the three or more

1 language on the first page of Exhibit 59 --

2 A. Yeah. That time frame, I guess, we were doing
3 business that way. I don't have any real recall of it.

4 Q. Okay. Regardless of what the exact time frame is,
5 and I recognize that that's not capable of being, what,
6 determined right here as we sit, did you have an
7 understanding about whether or not this policy of denying
8 work release to those offenders with a three or more was
9 applied statewide to all the work release facilities, or if
10 it was just some work release facilities?

11 A. Since HCSC agreed, then -- you know, they're the
12 big, overall headquarters screening committee. So they
13 wouldn't have agreed unless it was the way you do business
14 all over the state.

15 Q. Do you know who was in charge of the
16 classifications section back in February of '04?

17 A. Thatcher.

18 Q. Do you know what his or her first name was?

19 A. Jim. James.

20 Q. Have you ever attended any types of conferences or
21 gatherings of other professionals in the corrections
22 profession in other states?

23 A. Yes.

24 Q. Do you belong to any types of professional
25 associations or groups of people who have occupations in

1 directly?

2 A. No.

3 Q. Would it have been requested either from the
4 offender's counselor or medical?

5 A. Yes.

6 Q. So what ended up happening to the offender, in
7 terms of work release, that is?

8 A. (Witness peruses documents.) I don't know. I
9 don't see what happened to him.

10 Q. Well, did he ever get to go to work release?

11 A. Let me look at this again.

12 Q. Sure.

13 A. We're talking 2/16/07. (Witness peruses
14 documents.)

15 Q. Ms. Musselwhite, if you don't know, we can just go
16 on to the next exhibit.

17 A. Yeah. I don't see what happened to him.

18 Q. Okay. When you look at an individual's PULHESDXT
19 code score, is it the case that you cannot tell what the
20 offender's actual condition is?

21 A. Yes.

22 Q. And is it the case that you cannot tell how or
23 whether the offender can be accommodated in his or her
24 activities?

25 A. Yes.

1 conditionally accepting for Lincoln Park. The offender had
2 to agree to participate in the TC program, which is the
3 therapeutic community. It's part of a chemical dependency
4 program. So they were doing a little of that.

5 Q. And is that still the case, that there is this
6 conditional acceptance where the --

7 A. I've tried to get them away from it, because, you
8 know, it's not necessary to do that.

9 Q. Why do you consider it to be unnecessary?

10 A. Once an offender arrives in work release, he has
11 or she has to participate in the program that we develop
12 with them, and it should be developed with the offender so
13 they have a say in that program. And so if they don't want
14 to do the program, then they probably wouldn't stay there.

15 Q. Okay. Back when there was -- let me just -- is it
16 fair to say that there was, at some point in time in the
17 past, a blanket prohibition on accepting an offender with
18 three or more on PULHESDXT, excluding dental?

19 A. I don't recall if it's in writing, but I think
20 that that's the case.

21 Q. All right.

22 A. And I don't know how long ago it was.

23 Q. Okay. Regardless of whether or not that was in
24 writing, during the period of time that that practice was in
25 place, did you sometimes get referrals of offenders whose

MUSSELWHITE

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C E R T I F I C A T E

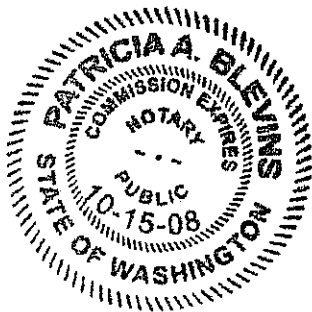
STATE OF WASHINGTON)
) ss.
COUNTY OF KING)


I, the undersigned officer of the Court, under my commission as a Notary Public in and for the State of Washington, hereby certify that the foregoing deposition upon oral examination of the witness named herein was taken stenographically before me and thereafter transcribed under my direction;

That the witness before examination was first duly sworn by me to testify truthfully; that the transcript of the deposition is a full, true and correct transcript of the testimony, including questions and answers and all objections, motions, and exceptions of counsel made and taken at the time of the foregoing examination;

That I am neither attorney for nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal this 19th day of November 2007.




PATRICIA A. BLEVINS
NOTARY PUBLIC in and for the
State of Washington, residing
at Federal Way.
My commission expires 10/15/08.